

The Superior Court of California

COUNTY OF SAN DIEGO

EXECUTIVE OFFICE OF THE COURT

STEPHEN V. LOVE
Executive Officer and Clerk
Jury Commissioner

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January 31, 2005

NOTICE TO ATTORNEYS

San Diego Superior Court Rules with an effective date of January 1, 2005, contain publication errors in Family Law (Division V) rule 5.62 G.2.b), rule 5.64A.3 and D.2, and rule 5.72A. Corrections are bolded and underlined below. The following supersedes all previous versions of these rules.

RULE 5.62 MEDIATION AT FAMILY COURT SERVICES (FCS)

G. Submitting Mediation Data Sheet, Writings and Other Materials.

2. Service of Writings and Other Materials.

b) Service by Responding Party. The following constitutes proper service by the responding party on the issue of child custody and visitation: if personally served, at least **2** calendar days before the mediation conference; or if served by mail, **7** calendar days if mailed within the State of California, **12** calendar days if mailed outside California but within the continental United States, or 22 calendar days if mailed outside the continental United States.

RULE 5.64 JUDGMENT BY DEFAULT OR UNCONTESTED HEARING

A. Dissolution or Legal Separation

3. If a default judgment is submitted with a written settlement agreement signed by both parties, the judgment packet must also include a Declaration Regarding Service of Final Declaration of Disclosure (Form FL-141) from each party unless waived consistent with state law (see Family Code 2105) or included in the original proof of service. If parties did not exchange final Declarations of Disclosure, a Stipulation and Waiver of Final Declaration of Disclosure (Form FL-144) or a **separate** stipulation signed by each party must be included. A waiver included in a marital settlement agreement or stipulated judgment is not sufficient. Respondent's signature on the written settlement agreement or stipulated judgment must be notarized.

D. Stipulated Judgments

2. Stipulated judgments which contain orders regarding child support must include the following Child Support Acknowledgments:

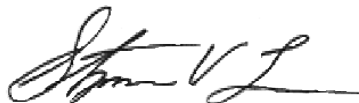
Each party acknowledges the following:

- a) They are fully informed of their rights concerning guideline child support;
- b) They have agreed to the child support provisions of this Agreement without coercion or duress;
- c) This Agreement is in the best interests of the child involved;
- d) The needs of the child will be adequately met by this agreed-upon child support; and
- e) They have not assigned the right to support to the county, neither party is receiving public assistance and no public assistance application is pending as required by Family Code section 17404.

RULE 5.72

APPOINTMENT OF COUNSEL FOR CHILDREN

A. Appointment of Counsel. In any Family Law or other proceeding where 2 or more persons are disputing the division of time with or responsibility for a minor child (i.e. physical or legal custody) or the Court determines that the appointment is justified by the facts of the specific case, the Court should consider the appointment of an attorney to represent the best interests of the child. The appointment may be made if the Court is requested to do so by either party, the attorney for either party, a mediator performing the duties under **Family Code section 3170 et seq., a professional person making a custody recommendation under** Family Code sections 3110 et seq., a court appointed guardian ad litem or special advocate, the child or any relative of the child. The appointment may also be made on the Court's own motion, even over the objection of the parties.



STEPHEN V. LOVE
Executive Officer